

AMENDED IN SENATE AUGUST 14, 2006

CALIFORNIA LEGISLATURE—2005–06 REGULAR SESSION

ASSEMBLY BILL

No. 1518

Introduced by Assembly Member Jerome Horton
(Coauthor: Senator Vincent)

February 22, 2005

An act to add Section 5442.14 to the Business and Professions Code, relating to outdoor advertising.

LEGISLATIVE COUNSEL'S DIGEST

AB 1518, as amended, Jerome Horton. Outdoor advertising.

The Outdoor Advertising Act regulates placement of advertising signs adjacent to and within specified distances of highways that are part of the national system of interstate and defense highways and federal-aid highways. The act prohibits advertising displays from being placed or maintained on property adjacent to a section of a freeway that has been landscaped, with certain exceptions. A violation of the act is a misdemeanor.

This bill would authorize ~~3 advertising displays in the County of Los Angeles by the Lennox School District~~ *the conversion of a permitted advertising display for use as a message center*, subject to specified conditions.

~~Because a violation of the bill would be a crime, the bill would impose a state-mandated local program.~~

~~The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.~~

~~This bill would provide that no reimbursement is required by this act for a specified reason.~~

Vote: majority. Appropriation: no. Fiscal committee: ~~yes~~ *no*.
State-mandated local program: ~~yes~~ *no*.

The people of the State of California do enact as follows:

- 1 *SECTION 1. Section 5442.14 is added to the Business and*
2 *Professions Code, to read:*
3 *5442.14. Notwithstanding any other provision of this chapter,*
4 *Section 5440 shall not prohibit converting a permitted*
5 *advertising display for use as a message center, whether or not*
6 *the advertising display is placed or maintained on a property*
7 *adjacent to a section of a freeway that is now, or hereafter is*
8 *declared, a landscaped freeway, if all of the following conditions*
9 *are met:*
10 *(a) The size, height, location, and configuration of the display*
11 *remain unchanged.*
12 *(b) The placement is approved by the city, county, or city and*
13 *county with land use jurisdiction over the property at which the*
14 *display is located.*
15 *(c) The message center complies with the provisions of*
16 *Sections 5354, 5400 to 5405, inclusive, and 5408.*
17 *(d) Maintenance of the display does not require the immediate*
18 *trimming, pruning, topping, or removal of existing trees to*
19 *provide visibility for the display, unless done as part of the*
20 *normal landscape maintenance activities that would have been*
21 *undertaken without regard to the placement or maintenance of*
22 *the display. However, any tree or foliage removed at any time to*
23 *provide visibility to a display shall be replaced with equivalent*
24 *trees or foliage at the expense of the owner of the display.*
25 *(e) The display shall not cause a reduction in federal aid*
26 *highway funds, as provided in Section 131 of Title 23 of the*
27 *United States Code.*
28 ~~SECTION 1. Section 5442.14 is added to the Business and~~
29 ~~Professions Code, to read:~~
30 ~~5442.14. Notwithstanding any other provision of this chapter,~~
31 ~~Section 5440 does not apply to any advertising displays in the~~
32 ~~County of Los Angeles if all of the following conditions are met:~~

1 ~~(a) There are no more than three displays and those displays~~
2 ~~are located on property that the Lennox School District has~~
3 ~~owned before January 1, 2000.~~

4 ~~(b) The displays are located within the boundaries of the~~
5 ~~Lennox School District.~~

6 ~~(c) Placement or maintenance of the advertising displays does~~
7 ~~not require the immediate trimming, pruning, topping, or removal~~
8 ~~of trees located on a state highway right-of-way to provide~~
9 ~~visibility to the advertising displays, unless done as part of the~~
10 ~~normal landscape maintenance activities that would have been~~
11 ~~undertaken without regard to the placement of the displays.~~

12 ~~(d) Any rental proceeds received by the Lennox School~~
13 ~~District from the nonconforming displays are expended by the~~
14 ~~school district for instructional materials and classroom teacher~~
15 ~~support costs.~~

16 ~~(e) No advertising displays shall advertise products or services~~
17 ~~that are directed at an adult population, including, but not limited~~
18 ~~to, alcohol, tobacco, gambling, or sexually explicit material.~~

19 ~~(f) The advertising displays shall not cause a reduction in~~
20 ~~federal aid highway funds as provided in Section 131 of Title 23~~
21 ~~of the United States Code.~~

22 ~~(g) No public funds are required to be expended to pay for the~~
23 ~~costs of the displays.~~

24 ~~(h) The displays do not impose any additional liability of the~~
25 ~~Department of Transportation.~~

26 ~~(i) The displays shall be subject to state and local permits.~~

27 ~~SEC. 2. No reimbursement is required by this act pursuant to~~
28 ~~Section 6 of Article XIII B of the California Constitution because~~
29 ~~the only costs that may be incurred by a local agency or school~~
30 ~~district will be incurred because this act creates a new crime or~~
31 ~~infraction, eliminates a crime or infraction, or changes the~~
32 ~~penalty for a crime or infraction, within the meaning of Section~~
33 ~~17556 of the Government Code, or changes the definition of a~~
34 ~~crime within the meaning of Section 6 of Article XIII B of the~~
35 ~~California Constitution.~~